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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,945	11/25/2003	Leonid Bravinski	92953-4	5884
22463 7590 06/06/2008 SMART AND BIGGAR 438 UNIVERSITY AVENUE SUITE 1500 BOX 111 TORONTO, ON M5G2K8 CANADA			EXAMINER SAFAVI, MICHAEL	
			ART UNIT 3637	PAPER NUMBER
			MAIL DATE 06/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/721,945

Applicant(s)

BRAVINSKI, LEONID

Examiner

M. Safavi

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-37, 39-56, 62 and 64-81 is/are pending in the application.
- 4a) Of the above claim(s) 1-7, 9-20, 26-29, 31-37, 39-56, 64, 65 and 71-79 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 62 and 66-70 is/are rejected.
- 7) ☒ Claim(s) 21-25, 80 and 81 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

The reply filed February 14, 2008 is not in full compliance with 37 CFR § 1.121(c). It has been noted that claim 51 has been presented with an incorrect status identifier. Claim 51 should be identified as (Withdrawn).

Claims 1-7, 9-20, 26-29, 31-37, 39-56, 64, 65, and 71-79 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species of invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 30, 2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 62, 66, 67, 68, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boeshart '592 in view of Harkenrider et al. '126.

Boeshart '592 discloses a form panel arrangement with a pair of spaced apart longitudinally oriented foamed plastic panels 34 defining a form space therebetween; a spacer 12 comprising at least one transverse tie rod member 18 secured to and extending between said first and second panels, said transverse rod member having a

first end and an opposite second end each being adapted for securing said transverse tie rod to a panel connector member 14, at least one of said panel connectors being releasable from said tie rod; and wherein said at least one connector can be released and said connector and said first panel removed. Boeshart '592 does not appear to disclose "wherein said first panel member has at least one inner surface treated with a material having enhanced non-adhesive properties, such that the inner surface will tend not to bond extensively to said hardening or hardened concrete".

However, Harkenrider et al. '126 teaches utilization of a plastic film upon the face of the concrete form to provide a relatively non-stick surface. Therefore, to have provided either of the Boeshart form panels 34 with a plastic film upon the face of the concrete form to provide a relatively non-stick surface would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Harkenrider et al. '126. To have further provided a plastic film along both sides of either Boeshart form panel 34, thus serving to encase the panel in a protective layer as well as allow for interchangeability between sides of each form panel, would have constituted an obvious to one having ordinary skill in the art at the time the invention was made.

Claim 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boeshart '592 in view of Harkenrider et al. '126 as applied to claims 62, 63, 66, 67, 68, and 70 above, and further in view of either of Scott et al. '051 and Fleck '355.

To have formed the plastic film of the modified Boeshart '592 assembly of a polypropylene would have been obvious to one having ordinary skill in the art at the

time the invention was made as taught by either of Scott et al. '051, (col. 4, lines 50-60), and Fleck '355, (col. 3, lines 25-31).

Claims 21-25, 30, 80, and 81 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed February 14, 2008 have been fully considered but they are not persuasive. The teaching suggestion and motivation for providing the Boeshart '592 form assembly with a plastic film upon the face of the concrete form is clearly set forth in the above rejection of claim 62. Applicant has otherwise, not specifically set forth why the combination proposed in the above rejections would not have been obvious.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Safavi/
Primary Examiner, Art Unit 3637

M. Safavi
June 02, 2008